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CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I, Caitlin L. Gardner, hereby certify that this correspondence, pursuant to 37 C.F.R. §1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: December 15, 2005

By Caitlin Gardner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mehregany et al. Docket No.: 47799.00003
Application No.: 09/677, 197 Group Art Unit: 3621
Filing Date: October 2, 2000 Examiner: Kambiz Abdi
TITLE: APPARATUS AND METHOD FOR ACQUISITION OF RESEARCH AND DEVELOPMENT

TRANSMITTAL OF NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Herewith is a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences in the above-identified application to the Office Action mailed on June 15, 2005. Applicants hereby petition to extend the time for response by three (3) months, up to and including December 15, 2005, and enclose the required petition fee.

Enclosures:

Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (with Fee)

[X] Applicant asserts "small entity" status under 37 C.F.R. §§1.9 and 1.27.

FEE CALCULATION, CLAIMS AS AMENDED:

	Claims remaining after amendment		Highest number previously paid for		Present Extra			Additional Fee
Total Effective Claims		minus		=	0	x	\$ 50.00	= \$ 0.00
Independent Claims		minus		=	0	x	\$ 200.00	\$ 0.00
							Subtotal:	\$ 0.00

Subtotal: \$ 0.00

12/20/2005 DEMMANU1 00000026 193878 09677197

02 FC:1253 510.00 DA

Docket No. 47799.00003

Fee Calculation: Request for extension of time pursuant to 37 C.F.R. §1.136(a)

<input type="checkbox"/>	Response filed within first month after due date – add	\$ 120.00	
<input type="checkbox"/>	Response filed within second month after due date – add	\$ 450.00	
<input checked="" type="checkbox"/>	Response filed within third month after due date – add	\$1,020.00	\$1,020.00
<input type="checkbox"/>	Response filed within fourth month after due date – add	\$ 1,590.00	
<input type="checkbox"/>	Response filed within fifth month after due date – add	\$ 2,160.00	

Subtotal: \$1,020.00

If one of the “small entity” boxes above is checked, enter half (1/2) of the second subtotal and subtract. \$510.00

TOTAL ADDITIONAL FEE ENCLOSED: \$510.00

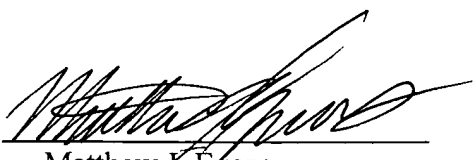
☒ Please charge Deposit Account No. 19-3878 in the amount of **\$510.00**. A duplicate copy of this sheet is attached.

☐ A Squire, Sanders & Dempsey L.L.P. check in the amount of \$ ____ is attached.

This statement does NOT authorize charge of the issue fee. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 C.F.R. §§1.16-1.18 (deficiency only) now or hereafter relative to this Application and the resulting Official document under 37 C.F.R. §1.20, or credit any overpayment to Account No. 19-3878 for which purpose a duplicate copy of this sheet is attached.

Respectfully submitted,

Date: December 15, 2005

By 
Matthew J. Evans
Reg. No. 56,530

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

47799.00003

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)]

on December 15, 2005

Signature

Typed or printed
name

Caitlin L. Gardner

In re Application of
Mehregany et al.Application Number
09/677,197Filed
October 2, 2000

For APPARATUS AND METHOD FOR ACQUISITION OF RESEARCH AND DEVELOPMENT

Art Unit

3621

Examiner

Kambiz Abdi

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:\$ 250.00☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 19-3878. I have enclosed a duplicate copy of this sheet.☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record. 56,530
Registration number☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Signature

Matthew J. Evans

Typed or printed name

602-528-4124

Telephone number

December 15, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/20/2005 DENMANU1 00000026 193878 09677197

01 FC:2401

250.00 DA